

COMMUNITY BOARD #7 PUBLIC HEARING & REGULAR MEETING  
MONDAY, MARCH 11, 2013  
UNION PLAZA CARE CENTER  
33-23 UNION STREET  
FLUSHING, NEW YORK

PRESENT-

Charles Apelian  
John Byas  
Dilip Chauhan  
Tyler Cassell  
James Cervino  
Chin-Hsiang Chiang  
Timothy Chuang  
Nicholas Corrado  
Joseph Femenia  
Arlene Fleishman  
Fred Fu  
Pablo Hernandez  
Jeff Huang

Kevin Kang  
Eugene Kelty  
Frank Keppel  
Donald Kirchhofer  
Phil Konigsberg  
Peter Kwiath  
Esther Lee  
Myungsuk Lee  
Rev. R. McEachern  
Barbara McHugh  
Selma Moses  
Kim Ohanian  
Millicent O'Meally

Terence Park  
Kris Ram  
Jean Ren  
Andrew Rocco  
Kevin Shields  
Marc Schiffman  
Warren Schreiber  
Lynda Spielman  
Peter Sutich  
Joseph Sweeney  
John Tsavalos  
Paul Vallone  
Linna Yu

ABSENT-

Arthur Barragan  
Rose Forkan  
Valerie Kennedy

Frank Macchio  
Nicholas Miglino  
Joshua Sussman

Carlos Talisaysay  
Peter Tu  
Arnold Wagner

COMMUNITY BOARD #7 STAFF-

Marilyn Bitterman, District Manager  
Marilyn McAndrews, Community Assistant  
Mary Zuliani, Community Service Aide

GUESTS-

Don Capalbi, Congresswoman Meng's Office  
Dawa Jung, Senator Tony Avella's Office

GUESTS - continued

Steven Masillo, Assemblyman Ed Braunstein's Office  
Yuh Lin Niou, Assemblyman Ron Kim's Office  
Megan Keane, Assemblywoman Nily Rozic's office  
Susan Tanenbaum, Queens Borough President's Office  
Jeong-Ah Choi, Queens borough President's Office  
Joy Chen, City Planning Queens

Before calling the meeting to order Chairperson Eugene Kelty gave some ground rules since the hearing was overflowing with people; i.e. 1) be as quiet as possible during and after the meeting since it is a senior facility and we don't want to lose its free privilege, 2) use only the bathrooms outside the meeting room, 3) cell phones must be shut down or on vibrate and if you must answer, do so out in the hall, 4) questions should be short and to the point, and 5) do not be repetitious. He then called the meeting to order at 7:10 p.m. with the Pledge of Allegiance and a moment of silent prayer for our armed forces both here and abroad and to those who gave their lives for us. He introduced the executive board and staff and outlined the procedure for the evening.

Chairperson Kelty took the roll call attendance with **(34)** board members present, **(6)** absent and **(8)** excused. However, five members arrived late bringing the total at the meeting to **(39)** present and **(1)** absent.

A motion was made by Linna Yu and seconded by Marc Schiffman to accept the January 14, 2013 minutes. A motion was made again by Linna Yu and seconded by Marc Schiffman to accept the February 11, 2013 minutes with one correction as follows: page 5 refers incorrectly to the Bayside Community Alliance's opposition to the USTA and should read Bay Terrace Community Alliance.

**Agenda #5 - 153-01 Bayside Avenue, Lot 25 – Calendar # 71-93-BZ** - Application to amend existing variance to allow construction of a 242.6 square foot one-story addition to the eastern face of existing house and requiring front yard waivers, bulk waiver, and lot coverage waiver on this through lot.

Chairperson Kelty gave the floor to Committee Chair Paul Vallone who, with a scale model of the trapezoidal shaped site, gave a brief background of the small two-bedroom home built in 2006 in what formerly was an R2 zone and now after rezoning in 2009 is an R2A zone with restrictions. The owner, Vincent Farruggio, is now seeking an amendment to the existing variance to allow adding an additional 125 square feet. Committee Chair Vallone introduced Paul Bonfilio, Architect for the owner. He explained the need for expanding this small home to include a dining room on the eastern face. The waivers are necessary since the space to be used is between the father's house and the son's house which was subdivided into two tax lots (25 & 27) in 2005 to provide a buildable tax lot for Mr. Farruggio's son to build his home. Under the prior R2 zone, 242.6 sq.ft. floor area was available without exceeding the maximum FAR of .50. In an R2A zone, attic space 5 ft. high or more is counted as floor space, even if the attic is only used for storage, and any footage over 300 feet of an attached garage is also counted as floor space. Lot 27's attic of 108 sq.ft. and 36 sq.ft. garage overage increased the FAR to .52. The FAR of .50 under R2A leaves only 99.5 square feet for expansion between these two lots. Thus

the need for the variances, and it should be noted that this is the last change that could ever be done on this site because of its unusual shape.

Q. Are you taking away parking space from the house?

A. No.

**Comment by Warren Schreiber** – Basically it looks like originally two tax lots were created to put up two houses where only one should be.

A. Not true. There is a section in zoning that permits you to subdivide as long as it does not create a hardship.

Committee Chairperson Vallone then gave a quick report of his February 21, 2012 meeting at 7 p.m. including the members present, a liaison from Sen. Avella's office, Mr. Farruggio's son and Bowne Park Civic Association, who felt the project was keeping in character with the neighborhood. Arthur Barragan made the motion to approve seconded by Millicent O'Meally. The vote was unanimous 8 to 0.

**The motion to approve the application to amend the existing variance was on the floor and seconded by Selma Moses.**

**The vote taken was (30) Approved (0) Denied**

**Agenda #6 – 137-35 Elder Avenue a.k.a. 43-49 Main St. - Cal #203-07-BZ – Flushing**

Application to amend BSA approved plans to permit changes to interior layout of proposed mix-use building including increase in number of dwelling units and parking spaces.

Committee Chairperson Frank Macchio gave his committee meeting report of February 15, 2012. All references to the parking waivers were removed since the applicant complied by minimizing the bulk and parking variance per ZR Sec. 36-521 on the original application. The revised application to increase the number of dwelling units from 28 to 36 units and a corresponding increase in accessory parking from 58 to 61 was accepted with the proviso the owner ensures that the existing underground oil/gas tanks are legally removed and the soil appropriately remediated. The vote taken at the meeting was unanimous (5) in favor and (0) against.

**Speaker Nora Martins** from Sheldon & Lobel was introduced and spoke on the proposed amendment. The BSA application approved in 2009 for a 12-story mix-use building included commercial retail use on first floor, community medical facility use on the second floor, residential use on the third through twelfth floors and parking on the second and cellar floors. The revised application now reflects an adjusted floor plan and required parking spaces. The residential floor areas remain the same. However, by rearranging floors 4 through 10 with four units instead of three and converting the two duplexes on floors 11 and 12 to four single units, they will have eight additional dwelling units in the same space. Market conditions now typically sell smaller units more quickly. The medical facility on the 2<sup>nd</sup> floor will decrease from 4850 sq.ft to 4149 sq. ft. and added to the 2<sup>nd</sup> floor parking garage to accommodate the additional parking spaces. Total parking spaces will increase from 58 to 61 with the required 6 queues and the layouts were redesigned to provide the required minimum 200 sq.ft. per space.

Q. What is the actual hardship for this application?

A. Originally the proposal was for 28 very large units and since the economy has changed considerably since 2009, it was felt the two-bedroom units would not sell as well so the proposal is to reduce the size of the dwellings in the same bulk thereby increasing the number of units.

Q. What is the approximate size of each unit?

A. They range from 550 to 1100 square feet, but mostly in the 700 square foot range, and will be condos.

Q. Previously the site had a gas station and the tank was to be removed and the soil tested and remediated. Was it taken care of?

A. The tank is not visible on the site, but we believe it's still there and part of the stipulation is the elimination of the tank, etc. since the new owners took over the Consent responsibility from the prior owner.

Q. What will be the size of the new community facility?

A. The original proposal of 4,850 square feet was changed to 4,149 square feet.

Q. What is the community facility to be used as?

A. Medical offices, either leased or purchased.

Q. Are you changing the address from Main Street to Elder Avenue?

A. The entrance will be on Elder Avenue.

Q. Since there is a Junior High School and senior citizen center in the area, will you have a traffic study done?

A. A traffic study was performed of the area.

**Comment by Committee Chair Macchio.** Although BSA already approved the owner's original parking plan, I am not satisfied with stack parking, but it's not up for discussion.

**Comment by Chairperson Kelty.** We've had that problem in the past with the RKO Keiths, so I'm assuming there will be attendant parking.

A. Yes, there will be attendant parking and queuing spaces to avoid any backup.

**Comment by Chairperson Kelty.** Again, since we have no input on BSA's original approval and because of our past experience, we must be absolutely sure you will have sufficient space for queuing, especially since cellar parking is tight to begin with.

Chairperson Kelty asked for a clarification of what we are approving tonight. Committee Chair Macchio reiterated we are approving 1) the removal of the parking variance, thereby making the plans BSA compliant. (2) An increase in units within in the same bulk from 28 to 36

Vice Chair Chuck Apelian asked for more information on the parking plans and the reconfiguration reached in consideration of the change in number of units and parking spaces.

Ms. Martins gave a quick background of the steps taken between the past applications submitted and the BSA's disapproval and approval responses.

Q. If listed on the calendar, shouldn't we to have a recommendation on the table regarding parking?

A. We asked to receive the approval of the revised plans from the BSA for tonight's meeting showing we no longer seek the parking variance, but didn't receive it in time.

Although board member, Nick Miglino felt Ms. Martins was unprepared, the fact remained that the bulk of the building was unchanged and she filled us in with more information, and she very graciously apologized and added she didn't have the pleasure of meeting the board before.

**Comment by First Vice Chair Apelian.** As of now, it is apparent the current application for the removal of the parking variances and the increase in the residential units within the same bulk has not been accepted by the BSA as yet.

Chairperson Kelty concurred but added the parking variances were removed from the new application to comply with the BSA's original rejection and what is now before the board is only to approve or disapprove the increase in the residential units within the same bulk using the five criterias. The parking component can only be dealt with by the DOB and the BSA.

Q. How many stories does the building have?

A. Twelve stories, ten of which are residential.

Q. Can we have a breakdown?

A. Cellar is all parking, first floor is retail space, lobbies and elevators, second floor is Medical  
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Offices and parking, third floor has 4 units (from 3 units), fourth to tenth floors has 4 units each (from 3 units) and then eleventh and twelfth duplexes have 2 single units each (from 1).

Q. Where are the elevators for the residential units and do they have their own elevator?

A. On the ground floor there is the retail area with its own entrance and two separate lobbies and elevators, one for the Medical Offices and the other for the residential area.

Q. Is there ample height for the cellar and the second floor stackers?

A. One side of the cellar slopes somewhat, so only one side of the cellar has height for stackers. The second floor has 9.5 ft. height which is sufficient for stackers.

Q. Is the ramp going in and out of the basement one or two lanes?

A. There are two lanes, one for each direction.

Q. Is there any advance warning for pedestrians when cars leave the parking garage?

A. Yes, there will be a red flashing light warning.

Q. Will there be sprinklers in the ceiling of the parking areas?

A. Yes, in compliance with the DOB.

Q. Are the parking spaces wide enough?

A. Twelve feet for two cars.

Committee Chairperson Macchio read his report of February 15, 2012 to all present, listed the members present, i.e., himself, Barbara McHugh, Carlos Talisaysay, John Byas and Susan Lacerte of Queens Botanical Garden who was given a vote. The vote taken to approve was unanimous with 5 For and 0 Against .

**Committee Chair Macchio's motion is on the floor to approve the revised application increasing the residential units from 28 to 36 within the same bulk and corresponding increase in accessory parking from 58 to 61, with the proviso the existing underground oil/gas tank be removed and soil appropriately remediated.**

**First Vice Chair Apelian then made the friendly motion to approve the increase in dwelling units within the same bulk, although it was duly noted the parking component as presented does not seem to be in compliance to height, width and zoning rules.**

**Both motions on the floor were seconded by Marc Schiffman. The vote was taken with (31) In Favor (2) Against (0) Abstained.**

**Agenda #7 – 157-30 Willets Point Boulevard – Calendar #339-04-BZ – Application filed pursuant to ZR-11-411 to extend term of variance for ten (10) years which permits automotive service station located on an R3-1 zoning district.**

Committee Chairperson Rose Forkan gave her February 22, 2012 report, giving a background of the facility which was granted their original permit as a service station in 1929. Since then they were granted a permit in 1958 to construct an accessory building to include an office, lubricatorium, car washing, minor repairs, parking and storage of motor vehicles and an increase to 12 gasoline tanks. Subsequently, in 2005 they were granted a special permit to install a canopy and to extend the prior term of ten years to expire on June 4, 2012. The current application seeks the extension of the variance for another ten years. Due to an administrative oversight, the C of

O was never obtained, but they will obtain one now. There are no outstanding DOB violations on this property. After committee discussion **Arthur Barragan made the motion to approve The application for the variance with the provision that additional plantings be placed along the perimeter. The vote was unanimous.**

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Q. What is the commercial name of the facility?

A. Shell Gas.

Q. Is this a new owner?

A. No, the same owner.

**Comment by Chairperson Kelty.** When a variance is not renewed in a timely fashion, the time frame will always revert back to the actual date of prior expiration. The ongoing problem is that the BSA does not give notification that a variance is expiring. In essence the city is losing money on this issue. As a matter of information, C of O's were not required until 1937/8 unless major alterations or changes were made in the use of the building. I

**Speaker Bruce Atlas** spoke on behalf the service station. He moved into the area in 1954 and his rear yard directly abuts the back yard of the service station property. He had only praise for them and continues to welcome them as friendly good neighbors who've maintained their property in good condition with never any noises, odors or white pollution.

Since no further discussion followed, **the motion to approve the application to extend the term of the variance for the automotive service station for ten (10) years was on the floor with the proviso of additional plantings along the perimeter and seconded by Peter Sutich. The vote was taken with (33) For (0) Against (0) Abstained**

#### **Agenda #8 - Environmental Committee Discussion – Dr. James Cervino**

Committee Environmental Chairperson Dr. James Cervino gave an in depth report on the Tidal Wetlands/Whitestone Expressway Outfall Project involving construction of the new storm-water collection sewers with corresponding road improvements near the Whitestone Expressway, College Point Boulevard and Flushing Service roads, with the new outfall into Flushing Creek. The positive side of the project is that it will control water pollution and control storm-water runoff. After a heavy storm damaging debris to fresh water, such as medical waste, raw sewage, etc., will be prevented from entering the creek and tidal wetlands. The negative aspect to the project is the College Point coastline restoration project will not go forward, only the wetlands along Udalls Cove in Douglaston. Dr. Cervino fervently feels ecologically it would be more significant if the wetlands with the most environmental stress receive coastal restoration. We at Community Board #7 should go on record as supporting College Point MacNeil Park wetlands restoration, and urge the DEC to use their authority to restore damaged wetlands during construction activities. It also makes sense monetarily since the necessary men and equipment will already be there for use.

Q. Did you receive a response to the need for dredging the marina also?

A. No, but it should be included, since storm overflow is laden with clogging debris and sediment.

Q. Should we add it in?

A. There may not be sufficient funds to include it, but we should anyway. I would suggest we tie it in with the need for sea wall repairs also.

**It was agreed a letter should be sent to insist the coastline restoration of College Point, including sea wall repairs, should receive priority over Udalls Cove. Also, a second letter to**

**recommend inclusion of dredging a two mile radius of the marina as part of the dredging already in the project, since the equipment and manpower will be there and save the need to do it in the future.**

**Agenda #9 – Vote on Preliminary Budget – Fiscal Year 2013 – Letter of Comment – Lynda Spielman.**

The Letter of Comment that will be sent to the Mayor's Office was given to each of the community board members to review. Executive board member Lynda Spielman briefly spoke on the letter crafted by the community board office and mentioned the McNeil Park project which was moved up, and should be good news for the community. **A unanimous vote of hands was taken to accept the letter as written, with only the abstention of those members in conflict.**

Committee board member, Tyler Cassell, gave an update on the LDS Mormon Church application. Several letters from our community were written to the editors of newspapers in response to their editorial's condemnation of Community Board #7 vote. Surprisingly, the letters were published. Also, a press conference was held about 3 ½ weeks ago and among those present were Paul Graziano and Senator Tony Avella. All agreed the church plan was excessively large for the area and suggested they rethink their plans and remodel their present church at Sanford Avenue and build what they want there. It will probably be on the BSA calendar sometime in April.

Chairperson Kely welcomed Andrew Rocco, who is replacing Joseph Femenia as the new president of the College Point Taxpayers Civic Association. Mr. Rocco thanked everyone for their support.

**Speaker Pat Beckels**, presently the Environmental Chairperson on Community Board #3, whose background knowledge included working with past Park Commissioners, Robert Moses, Flushing Meadow Park, the World's Fair of 1964, to name a few, was in agreement with Dr. James Cervino's report on the coastline restoration of College Point.

**Speaker John Scandalus** reported on the RKO Keith's stand pipes being disabled, the sprinkler system and fire hydrants not functioning as yet, and trespassing and graffiti by teenagers. It's a recipe for a catastrophic disaster. Chairperson Kely said the owner and the DOB will be called and it will be looked into. Also he gave Mr. Scandalus his phone number for the Fire Dept., but assured him there are ample fire hydrants and plans in the area that will be used. **Speaker Christian Kelberg**, Aerospace Engineer from Washington, DC invited by Mr. John Scandalus, spoke about the misconceptions and controversy over the FAA approval of the height of the RKO Keiths building.

**Speaker Jonathan Du** announced the Chinese Traditional Art show being held at Lincoln Center which will start on April 18, 2012.

**Speaker Cory Mills-Dick** from the New York Coalition reminding legal immigrants to take advantage of their legal rights.

Community Board Member, Rev. Richard McEachern thanked the board for their prayers on the passing of his dad. An update at the next District Service Cabinet meeting and a discussion with the 109<sup>th</sup> Precinct is planned about traffic flow around his church area.

The meeting adjourned at 10 p.m.

Respectfully submitted,  
Mary Zuliani, Community Service Aide